



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,737	04/11/2001	Karl Forster	38394.0100	3464

7590 02/25/2005

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/832,737	FORSTER, KARL	
	Examiner	Art Unit	
	Baoquoc N To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/03/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11,13-19,21-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) 12,20 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11,13-19,21-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 13 and 21 are amended and claims 12, 20 and 32 in the amendment filed on 02/03/05. Claims 1-7, 9-11, 13-19, 21-27 and 29-35 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 02/03/2005 have been fully considered but they are not persuasive.

The applicant brought to the examiner attention that Kozeniowski is a system for checking and repairing web pages that requires manual intervention to determined if the change was not authorized and, thus, should result in a repair of a web page. The examiner did not agrees with the applicant then because in Kozeniowski's reference did not exclude the automation process. The examiner did not agreed then and not now. In addition to, Winn Schwartau's system for checking for unauthorized file modification for example, the system can detect unauthorized changes or file corruption early, preventing additional damage errors compound themselves. They can protect against viruses by looking at the file and system behavior rather than static signatures. The examiner give the 103 a rejection based on these references because ordinary skill in the art would be able understand the over all concept of detecting unauthorized changes and automatically repair the files.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2162

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korzeniowski (Uncle Sam surfs via Lotus Notes) April 1, 1996 in view of Winn Schwartau (Wipe out Web Graffiti, CNN.com) Feb 21, 2000 and further in view of Chambers (US. Patent No. 5,398,196).

Regarding on claims 1, 13 and 21, Korzeniowski teaches in a computer system, a method for protecting a target file located at a target location, comprising the step of:

Generating an archive having an archive file, wherein the archive file comprises a mater copy of the target file (the archive file needed to be created before the comparison process) (page 1, lines 48-50);

Detecting changes to the target file by periodically comparing the target file to the archive file, wherein the comparison comprises comparing one of the content, size and date/time of the target file to the corresponding archive file (every 4 or 5 minutes, Notes will examine a Web page, notice any change, check to determine if it is legitimate) (page 1, lines 49-50); and

Protecting, as necessary, the target file by automatically replacing, without human intervention, the target file such that the target file is identical to the archive file, wherein the replacing occurs when the comparison indicates that the

Art Unit: 2162

target file is not identical to the archive file (revert to the original format if the change was not authorized" (page 1, lines 50-51).

Korzeniowski suggests only the method of doing so; however, Lotus node does not employ this method in the computer system and moving the target file from the target location to a quarantine area if the step of comprising indicates that the target file differs from the archive file. On the other hand, Winn Schwartau discloses in the CNN.com "system such as Tripwire can be configured to check for integrity violation-unauthorized file modification-on periodic basis (for example, hourly or daily) and will check only those files chosen by the administrator" (page 2, CNN.com, lines 45-47). The suggests the system to detect unauthorized changes make to the target file. Further more, Chambers discloses in the background of the invention "the last stand technique of virus detection does not look for anything to do with viruses in particular, but concentrates on the host programs which the viruses attacked. Every program on a system can be "check summed" at antivirus installation time. Then, when a virus attaches itself to the unsuspecting host program, the checksum value will (probably) be different and the file infected with the virus can be isolated" (col. 3, lines 17-25). The infected programs (or file examiner interpretation) are detected and isolated by obtaining different values after the check sum process. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Korzeniowski method to include Schwartau's system to detect unauthorized changes make to the files and allowing the infected files to be isolated from all the files as taught by Chambers

Art Unit: 2162

in order to provide a computer implemented method to protect the and repair the files in the event unauthorized changes.

4. Claims 2-7, 9-11, 14-19, 22-27, 29-31 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korzeniowski (Uncle Sam surfs via Lotus Notes) April 1, 1996 in view of Winn Schwartau (Wipe out Web Graffiti, CNN.com) Feb 21, 2000 and further in view of Chambers (US. Patent No. 5,398,196) and further in view of Saether et al. (US. Patent No. 6,405,219).

Regarding on claims 2, 14 and 22, Korzeniowski, Winn Schwartau and Chambers do not explicitly teach the generated archive comprises at least one file collection having the archive file. However, Saether teaches "the primary and secondary global servers copy the previous versions of modified source files and restores removed source files from the previous version to at least one sub-directory on the local content servers" (col. 10, lines 7-11). This teaches multiples version of the source file. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Korzeniowski, Winn Schwartau and Chambers' system to include the multiples version of the source files as taught by Saether in order to restored the right version as needed.

Regarding on claims 3, 15 and 23, Korzeniowski, Winn Schwartau and Chambers do not teach the file collection comprises a current portion and a revision portion. Saether teaches "the primary and secondary global servers copy the previous versions of modified source files and restores removed source files from the previous version to at least one sub-directory on the local content

Art Unit: 2162

servers" (col. 10, lines 7-11). This teaches multiples version of the source file. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Korzeniowski, Winn Schwartau and Chambers' system to include the multiples version of the source files in order to restored the right version as needed.

Regarding on claims 4, 16 and 24, Korzeniowski, Winn Schwartau and Chambers do not explicitly teach the revision portion comprises at least one sub-division, wherein each sub-division represents a different revision of the archive file. However, Seather teaches "the primary global server also generates a server change container for each for each secondary global server based on its path and difference between the updated version of the set of source files stored in a versioned file tree repository global server and the current version of the set of sources files stored in another versioned file tree repository on each secondary global server. At a determined interval, the version delivery lists and the version change containers are distributed from the primary global server to each secondary server" (col. 4, lines 61-67 and col. 5, lines 1-4). This teaches the tree represent the multiples versions of data files. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Korzeniowski, Winn Schwartau and Chambers' system to include the hierarchical trees structure files as taught Saether in order to keep track and easily restore files as needed.

Regarding on claims 5 and 25, Korzeniowski, Winn Schwartau and Chambers teaches the method recited in claim 4 and further comprising the step

Art Unit: 2162

of republishing the target file at the target location (page 1, lines 44-45) excepting for a selected revision. However, Saether teaches "the primary global server also generates a server change container for each for each secondary global server based on its path and difference between the updated version of the set of source files stored in a versioned file tree repository global server and the current version of the set of sources files stored in another versioned file tree repository on each secondary global server. At a determined interval, the version delivery lists and the version change containers are distributed from the primary global server to each secondary server" (col. 4, lines 61-67 and col. 5, lines 1-4). This suggests the updated version is the revision versions. Therefore, it would have been obvious to one ordinary skill in the art at the time was made to one ordinary skill in the art at the time of the invention was made to modify Korzeniowski, Winn Schwartau, Chambers' system to include multiples updates version as taught Saether to restore the file to the exactly point before the unauthorized changes.

Regarding on claims 6, 17 and 26, Korzeniowskim, Winn Schwartau and Chambers do not explicitly teaches the generated archive further comprises a folder. However, Saether teaches "the primary global server generated a version delivery list for each Secondary global server that indicates a particular update version for each local content server. The version delivery list also includes the file directory structure and the hardware constraints of each local content server" (col. 4, lines 57-61). The directory structure is the folder. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was

Art Unit: 2162

made to modify Korzeniowski, Winn Schwartau and Chambers' system to include file directory structure as taught Saether to perform the same function as the folder in order to organize the data in the easy manner to stored and retrieved.

Regarding on claims 7 and 27, Korzeniowski teaches the target file has a first set of associated file statistic and the archive file has a second set of associated file statistic, and wherein the step of periodically comparing comprises comparing the first set of associated file statistic to the second set of associated file statistic (page 1, lines 42-45).

Regarding on claims 9, 18 and 29, Korzeniowski teaches the method recited in claim 1 wherein the archive file comprises a web site file (page 1, lines 42-45).

Regarding on claims 10-11, 19 and 30-31, Korzeniowski, Wchwartau and Chambers teach the method recited in claim 1, excepting for updating the archive file of the archive; and updating an update queue, wherein the update queue store update information relating to the target file according to the update of the archive file. However, Saether teaches "the primary global server also generates a server change container for each for each secondary global server based on its path and difference between the updated version of the set of source files stored in a versioned file tree repository global server and the current version of the set of sources files stored in another versioned file tree repository on each secondary global server. At a determined interval, the version delivery lists and the version change containers are distributed from the primary global server to each secondary server" (col. 4, lines 61-67 and col. 5, lines 1-4). This suggests

Art Unit: 2162

the updated versions are delivery to the target location. Therefore, it would have been obvious to one ordinary skill in the art at the time was made to one ordinary skill in the art at the time of the invention was made to modify Korzeniowski, Winn Schwartau and Chambers' system to include multiples updates version as taught by Saether to update the files to reflex the changes to accompany the user demand.

Regarding on claims 33-34, Korzeniowski teaches the comparison comprises comparing a hash of the contents of the target file to a hash of the contents of the corresponding archive file (page 1, lines 41-45).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2162

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:


(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To

Feb 21st, 2005


Baoquoc N. To
Patent Examiner